

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

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ELITE PHYSICIAN SERVICES, LLC,	)	
	)	
Plaintiff,	)	No. 1:06-CV-86
	)	
v.	)	<i>Mattice/Carter</i>
	)	
CITICORP CREDIT SERVICES, INC. (USA),	)	
	)	
Defendant.	)	

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**DEFENDANT'S MEMORANDUM OF LAW  
IN SUPPORT OF ITS MOTION TO DISMISS OR TRANSFER**

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**Defendant's Exhibit F**  
**(CCSI Proposed Agreed Order)**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

ELITE PHYSICIAN SERVICES, LLC,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 1:06-CV-86
	)	
	)	
CITICORP CREDIT SERVICES,	)	
INC. (USA)	)	
	)	
Defendant.	)	

**AGREED ORDER TRANSFERRING CASE TO THE UNITED STATES DISTRICT  
COURT FOR THE SOUTHERN DISTRICT OF NEW YORK**

By agreement of the parties and for good cause shown, it is hereby ORDERED that this action shall be and hereby is transferred to the United States District Court for the Southern District of New York under 28 USC § 1404(a).

In transferring this action the Court notes that this action is related to another action which was filed in this district and transferred to the United States District Court for the Southern District of New York under 28 USC § 1404(a). The related action is entitled Elite Physician Services, LLC v. Citicorp Payment Services, Inc., No. 1:06-Civ. 02447(BSJ) (S.D.N.Y.) and is pending before United States District Judge Barbara S. Jones.

The Court notes that the parties have requested that this action be assigned to Judge Jones pursuant to Rule 15(a) of the Rules for the Division of Business Among District Judges for the Southern District of New York, as the parties assert: (1) the cases involve a congruence of parties and witnesses; (2) the interests of justice and efficiency will be served through the assignment of this case to Judge Jones; (3) assignment of the case to Judge Jones would result in the substantial

saving of judicial resources; and (4) assignment of the case to Judge Jones would advance the just, efficient and economical conduct of the cases.

IT IS SO ORDERED.

ENTER.

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HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE

AGREED UPON AND  
APPROVED FOR ENTRY:

BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, P.C.

By: s/ Joshua A. Powers  
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